HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

TAKEN UP WRIT PETITION No.1148 OF 2007

Between:

Koganti Suresh Babu

…Petitioner

AND

The A.P. Pollution Control Board,
Rep., by its Member Secretary,
Sanathnagar, Hyderabad and four others

...Respondents

: O R D E R :

Counsel for respondent No.1 : Shri S.V. Bhatt

Counsel for respondent No.5 : Shri M.R. Chakravarthy

19th April, 2007

Per G.S.SINGHVI, CJ

Letter dated 11-12-2006 sent by Shri Koganti Suresh Babu, a resident of Jampani Village, Vemur Mandal, Guntur District with the complaint that ash coming out of the chimney of N.V.R. Cooperative Sugar Factory and the waste water coming out of the factory is causing health problems to the public, loss of agriculture to the farmers and contamination of groundwater was treated by one of us i.e., the Chief Justice as a petition in public interest.

Shri S.V. Bhatt, learned Standing Counsel for the Andhra Pradesh Pollution Control Board (for short, 'the Board'), on the basis of the instructions given to him, stated that the Board has already initiated action for ensuring that the management of the factory complies with the norms prescribed for controlling the pollution. He gave out that the management has given assurance to take all the steps necessary for controlling pollution of air and water.

In the counter affidavit filed by him, Shri M. Janardhana Rao, Managing Director of N.V.R. Cooperative Sugar Factory has admitted that air and water pollution is being caused due to the activities of the factory, but averred that all the steps necessary for controlling the pollution are being taken. In paragraph 3 (v) and (vi), Shri M. Janardhana Rao has averred as under:

> "(v) Since the commissioning of the Wet-Scrubbers is incomplete this respondent society requested necessary permission from the Director of Sugar & Cane Commissioner, Government of Andhra Pradesh, Hyderabad under intimation to M/s. S.R.Paryavaran, Engineers, Chandigarh for the completion of balance work and commissioning and the necessary sanction is awaited. This respondent learnt that recently, the Kovur Cooperative Sugars Limited, Kovur, which is also having similar type of Wet-scubbers supplied by

M/s.S.R.Paryavaran Engineers, Chandighar, commissioned the same by entrusting the work to M/s.ViswakarmaEngineers Private limited, Pune. This respondent ascertained that the present performance of Wet-Scrubbers is satisfactory. The respondent invited the said firm's representatives to this factory for inspection of the Wet-Scrubbers. The representative visited the site on 16-01-2007 and submitted his offer on 23-01-2007 along with requirement of materials. The firm attended for negotiations and submitted final offer on 10-02-2007 and this respondent will place the orders after obtaining the necessary sanction from the Director of Sugar and Cane Commissioner.

(vi) It is submitted that this respondent has taken all the necessary precautions and measures to prevent air and water pollution. In fact, this respondent is closing crushing operations with effect from18-04-2007 for the current crushing season. This respondent is also has taken up the following action plan to achieve the regid standards prescribed by the authorities concerned.

Action plan to be taken up for effluent treatment plant:

a) Exiting E.T.P tanks cleaning and white washing : 01-05-07 to 31-05-07

b) Pucca cement lining of the effluent water canal from factory to E.T.P : 01-06-07 to 30-06-07

c) Inside pucca cement lining of the treated effluent water tank : 01-07-07 to 31-07-07

d) Cleaning, overhauling of calrifier (DAF) Sludge pits, aeration tank, aerators : 01-08-07 to 15-08-07

e) Overhauling of all the related pumps valves and connected pipe lines : 16-08-07 to 31-08-07

f) Painting, white washing, trials of the units of E.T.P and to

take the E.T.P ready for operation : 1-09-07 to 30-09-07

Action plan to be taken for air pollution control equipment:

a) Civil works-foundation of tanks and pum beds related to Wet-Scrubbers : 01-05-07 to 31-05-07

b) Overhauling of pumps and motors : 01-06-07 to 15-06-07

b) Fabrication and errection of the balance work including Ducting of the wet-scrubbers and connecting to the boilers : 16-06-07 to 31-07-07

c) Inside and outside painting of all the units of wet-scrubbers : 01-08-07 to 20-08-07

d) Overhauling of the exiting two numbers of Multicyclones : 21-08-07 to 31-08-07

e) Trials of both the wet scrubbers along with I.D.Fans, Water spraying and pumping and to keep all the units ready for operation : 01-09-07 to 30-09-07."

Shri M.R. Chakravarthy, learned counsel for respondent No.5 gave an assurance that his client will comply with all the directions, which may be given by the Board for checking and controlling air and water pollution.

In view of the statements made by Shri S.V. Bhatt and Shri M.R. Chakravarthy and the affidavit of Shri M. Janardhana Rao, we deem it proper to dispose of the writ petition with the following directions:

1) Respondent No.5 shall, on or before 30-09-2007, take all steps for complying with the directions given by the Board for controlling air and water pollution. Simultaneously, it should make an application for grant of consent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. If any such application is made, the competent authority of the Board shall process and decide the same within next two months.

2) If respondent No. 5 fails to obtain the consent and comply with the directions given by the Board, then the latter shall not allow it to operate in the next crushing season.

3) If the application made by respondent No. 5 is rejected by the competent authority of the Board, then it shall be free to avail appropriate legal remedy against the decision of the Board.

G.S. SINGHVI, C.J.

C.V. NAGARJUNA REDDY, J.

19th April, 2007
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Note: A copy of this order be sent to Shri K. Suresh Babu, son of Radhkrishna Murthy, Jampani, Vemur Mandal, Guntur District for information.

B/O